

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Implementation of the )  
 Pay Telephone Reclassification )  
 and Compensation Provisions of the )  
 Telecommunications Act of 1996 )

CC Docket No. 96-128

To: Chief, Common Carrier Bureau

**PETITION FOR WAIVER**

Deerfield Farmers' Telephone Company ("Deerfield"), by counsel, and pursuant to Section 1.3 of the Rules of the Federal Communications Commission ("Commission"),<sup>1</sup> hereby seeks temporary waiver, until April 30, 1998, of the requirement that local exchange carriers ("LECs") (and other payphone service providers) provide payphone-specific coding digits ("Payphone Coding") to interexchange carriers ("IXCs") by March 9, 1998.<sup>2</sup>

Deerfield is an incumbent Local Exchange Carrier ("LEC") headquartered in Deerfield, Michigan, serving approximately 2,550 access lines in rural areas of Michigan, predominantly within Monroe and Lenewee Counties. As demonstrated herein, good cause exists for this

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<sup>1</sup>/ 47 C.F.R. § 1.3 (1996).

<sup>2</sup>/ *Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996*, Report and Order, 11 FCC Rcd 20 (1996); Order on Reconsideration, 11 FCC Rcd 21 (1996); Order, CC Docket No. 96-128, DA 97-2214 (rel. October 7, 1997); Second Report and Order, CC Docket No. 96-128, FCC 9-371 (rel. October 9, 1997).

waiver<sup>3</sup> because it is technically infeasible for Deerfield to comply with the March 9, 1998 deadline for providing Payphone Coding. Accordingly, Deerfield requests a brief extension of time, until April 30, 1998, to provide payphone-specific coding digits. This limited waiver will enable Deerfield to continue its planned deployment and testing of a new switch capable of providing the Payphone Coding function. In support thereof, Deerfield shows the following:

In early 1997, Deerfield began the process required by the Rural Utilities Service to select, purchase, and deploy a new switch capable of providing additional services, including the Payphone Coding function via Flex Automatic Numbering Information ("Flex ANI").<sup>4</sup> Deerfield will reconfigure its network by replacing two antiquated analog switches with a single new digital Lucent 5EVCX switch. Deerfield, aware of the need to provide payphone-specific digits, anticipated being in compliance with the March 9, 1998 deadline. However, Deerfield has experienced manufacturer delay in scheduling the delivery and installation of the new switch. Deerfield only recently received confirmation that its new switch will be installed on March 1, 1998. Accordingly, Deerfield requests a brief extension of the deadline for providing Payphone Coding so that it may perform the necessary network testing prior to final deployment of the

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<sup>3</sup>/ "The Commission may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest." WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969). Waiver of a Commission rule is appropriate where (1) the underlying purpose of the rule will not be served, or would be frustrated, by its application in a particular case, and grant of the waiver is otherwise in the public interest, or (2) unique facts or circumstances render application of the rule inequitable, unduly burdensome or otherwise contrary to the public interest, and there is no reasonable alternative. Northeast Cellular Telephone Co., L.P. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>4</sup>/ See declaration of David LaRocca, General Manager of Deerfield. The declaration bears a facsimile signature. The original declaration will be filed with the Commission upon receipt by counsel.

new switch. Deerfield respectfully submits that the public interest would be served by a grant of this brief extension of time.

Enabling Deerfield to continue its current course will allow the deployment of the new switch in the most economical fashion, which, in turn, will benefit Deerfield's subscribers. It would be unduly burdensome, if not impossible, for Deerfield to alter the process it began in early 1997 regarding its new switch. Moreover, it would be inequitable if Deerfield's customers are required to bear the additional burden of uneconomic costs resulting from requiring an abrupt change in Deerfield's plans. Any brief delay in the provision of Payphone Coding, therefore, is clearly of minor impact when compared to the costs associated with Deerfield's changing its plans midstream.<sup>5</sup>

In light of these specific facts and circumstances, Deerfield submits that good cause exists for this limited waiver of the March 9, 1998, deadline for providing Payphone Coding. Deerfield will make every reasonable effort to expedite the date of providing payphone-specific digits, but anticipates that the extension to April 30, 1998, is necessary to ensure the deployment

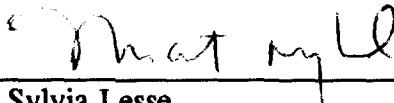
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<sup>5</sup>/ Deerfield estimates that it would cost approximately \$30,000 to install Flex ANI software in its existing switch facilities, only to replace those facilities within the next thirty days.

and testing of the new switch in a reasonably efficient manner.

Respectfully submitted,

**DEERFIELD FARMERS' TELEPHONE COMPANY**

By:   
Sylvia Lesse  
Margaret Nyland

Its Attorneys

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February 20, 1998

**DECLARATION OF DAVID LAROCCA**

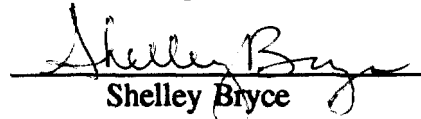
I, David LaRocca, General Manager of Deerfield Farmers' Telephone Company, do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.

  
David LaRocca  
General Manager

Date: February 20 1998

**Certificate of Service**

I, Shelley Bryce, of Kraskin, Lesse & Cosson, LLP, 2120 L Street, NW, Suite 520, Washington, DC, 20037, hereby certify that a copy of the foregoing "Petition for Waiver" was hand-delivered this 20 day of February, 1998, to the following parties:

  
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